THE HON'BLE SRI. JUSTICE GODA RAGHURAM

W.P.No. 4638 of 2006

09-03-2006

Between:-

M/s. Rallies India Limited, Autonagar, Hyderabad, R.R. District rep., by tis Depot Incharge/Assistant Manager (Legal) Sri K. Sudershan.

Petitioner

And

The Joint Collector (C.S.)-I. R.R. District at Saifabad, Hyderabad and another.

Respondents

THE HON'BLE SRI JUSTICE GODA RAGHURAM

W.P.No. 4638 of 2006

Oral order:

Heard the learned counsel for the petitioner and the learned Government Pleader for Civil Supplies and at their request, the writ petition is disposed of at the stage of admission.

The petitioner claims to be a manufacturer, importer and marketer of fertilizers, pesticides and seeds with registered office at Bombay and a sale point depot at Plot No.7, Block No.36/A, Auto Nagar, Hayatnagar mandal, Ranga Reddy district. On 07-03-2005, the petitioner's sale point was inspected and fertilizers worth over Rs.15,38,604-00 were seized on allegation that it is selling an un-licensed product known as 'Solubor (Boron)'. A case under Section 6-A of the Essential Commodities Act, 1955 (Act No. 10 of 1955) (for short 'the Act') was initiated against the petitioner by framing a charge of unauthorizedly storing and conducting clandestine business

without any valid permission by the competent authority and contravening the provisions of the Fertilizers Control Order, 1985.

The petitioner made an application for the release of the seized stocks to the District Collector. Without disposing of the said application, the Joint Collector, Ranga Reddy district, by the proceedings dated 09-06-2005 has alleged to have notified for sale by public auction, the seized commodity. The petitioner's grievance is that its application for interim release of the stock, to the District Collector has not been disposed of and the respondents are expediting steps to dispose of the seized commodities in the public auction, even though the seized commodities are not a perishable commodity and therefore could await the final disposal of the case initiated under Section 6-A of the Act.

Learned Government Pleader for Civil Supplies submits that hearing in the case filed under Section 6-A of the Act against the petitioner is concluded and the final orders are awaited.

In the circumstances above, the writ petition is disposed of directing the respondents not to dispose of the seized stocks of fertilizers belonging to the petitioner in public auction pursuant to the proceedings dated 09-06-2005 of the 1st respondent. The case under Section 6-A of the Act initiated against the petitioner shall be disposed of expeditiously and in any event within a period of four weeks from the date of receipt of a copy of this order. The treatment of the seized stocks of fertilizers shall be dependent upon the result of the proceedings initiated under Section 6-A of the Act against the petitioner.

The writ petition is disposed of as above. No costs.

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GODA RAGHURAM, J

Dated:09-03-2006

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